

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

John Kuivila,)	CASE NO. 4:14-cv-01593
)	
)	
Plaintiff,)	
)	
v.)	MAGISTRATE JUDGE
)	KATHLEEN B. BURKE
City of Newton Falls, Ohio, et al.,)	
)	
Defendants.)	<u>ORDER</u>

The Court previously ordered Plaintiff to file his Third Amended Complaint on or before October 6, 2015, with the following paragraphs or portions thereof deleted from his second Amended Complaint (Doc. 21): paragraphs 14, 21, 22, 31, 33 in their entirety; Defendant Layshock's name from paragraph 23; and the second sentence of paragraph 39. *See* Doc. 38.

As of the date of this Order, Plaintiff has not filed his Third Amended Complaint in accordance with the Court's September 30, 2015, Order. Accordingly, per the Court's prior Order (Doc. 38, p. 5, n. 3), the Court hereby strikes the following paragraphs or portions thereof from Plaintiff's second Amended Complaint (Doc. 21): paragraphs 14, 21, 22, 31, 33 in their entirety; Defendant Layshock's name from paragraph 23; and the second sentence of paragraph 39. The Court hereby **DISMISSES** Defendant Patrick Layshock from these proceedings

WITHOUT PREJUDICE.

October 15, 2015



Kathleen B. Burke

United States Magistrate Judge